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SUBJECT: BRAZILIAN RESPONSE ON THE GOLDSTONE REPORT

REF: SECSTATE 112828

¶1. On November 3, Poloff delivered reftel demarche to Carlos Eduardo da Cunha Oliveira of the Human Rights Division of the Ministry of External Relations (MRE). Poloff stressed that, because of our serious concerns about the Goldstone Report, the USG sought to prevent passage of a harmful General Assembly resolution and to keep any future action on the report out of the Security Council, ICC, ICJ and other international venues.

¶2. Oliveira noted that Brazil in principle prefers to deal with the Goldstone Report in the HRC, believing to refer it out weakens the HRC. Brazil nonetheless voted in favor of a resolution in the Special Session of the HRC that referred the report to the UN General Assembly. Oliveira explained by saying that the resolution contained a "constructive ambiguity" that permitted the HRC to deliberate and determine when and under what circumstances the Goldstone Report might be referred to other UN bodies. Meanwhile, there was an opportunity for Israel and the Palestinian Authority to engage in a constructive manner.

¶3. Poloff replied that the Goldstone Report is complicating the Middle East peace process and urged that Brazil oppose General Assembly action on the report.

¶4. Oliveira said that he would convey our concerns to MRE Under Secretary for Political Affairs Vera Machado, who in turn will instruct the Brazilian mission in New York. He said she will be interested in the impact of a potential resolution on the functioning of the HRC, which Brazil regards as an important institution, and in "the bigger political picture."
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